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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER				
PATEL, JAYESH A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/771,293

Applicant(s)

IKEDA, KAZUYO

Examiner

JAYESH A. PATEL

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 3,4,6,8-12,16 and 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7,13-15,17,18 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments with respect to claims 1, 18 and 22 filed on 08/13/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 1 is objected to because of the following informalities: "a partial image" at line 12 should be replaced with "the partial image". Appropriate correction is required.

Claim 7 is objected to because of the following informalities: "a plurality of partial image" at line 2 should be replaced with "the plurality of partial images". Appropriate correction is required.

Claim 18 is objected to because of the following informalities: "a partial image" at line 12 should be replaced with "the partial image". Appropriate correction is required.

Claim 22 is objected to because of the following informalities: "a partial image" at line 12 should be replaced with "the partial image". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 2, 5, 7, 13-15, 17-18 and 22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. "Claims 1, 18 and 22 recite **"superimposing the enlarged partial image of the candidate image onto the displayed candidate image"**. The specification on page 8 Lines 7-9 does not support the claimed subject matter. The specifications disclose the enlarged image of the partial image included in the candidate image and not onto the candidate image.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 7, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack et al (US 6182069) hereafter Niblack in view of Oura (US 6392658) hereafter Oura as best understood by the examiner.

Regarding claim 1, Niblack discloses an image search apparatus (**Fig 1**) which searches for an image, the apparatus comprising:

image storage means for storing a plurality of images (**Fig 1 Element 36 which stores pluralities of images**);

region information storage means (**Fig 1 Element 34 which stores thumbnails or partial images**) for storing partial images included in the respective images stored in said image storage means in correspondence with the respective images;

region feature storage means (**Fig 1 Element 35 which stores image features of the partial images or thumbnails**) for storing features of the partial images stored said region information storage means in correspondence with the respective partial images;

receiving (**query search in the QBIC**) means for receiving a feature of a target image as a search condition to search for the target image (**Fig 1 Element 23 which is query window used for receiving the search condition Col 3 Lines 54-55**);

search means for searching for an image including a partial image which contains the feature received by said receiving means as a candidate image (**Fig 1 Element 32 QBIC Engine which searches for a candidate image including a partial image or thumbnail images Col 4 Lines 6-18**). Niblack discloses the display (**Fig 1 Element 13 to display the candidate image**). Niblack however

does not expressly recite search result display means for displaying candidate image, enlarging the partial image that contains the feature, and superimposing the enlarged partial image, of the candidate image, on to the displayed candidate image.

Oura discloses search result display means for displaying candidate image, enlarging the partial image that contains the feature, and superimposing **(synthesized)** the enlarged partial image, of the candidate image, on to the displayed candidate image **(Fig 5 the processed results are displayed at S14, Col 2 Lines 39-43, Col 7 lines 9-10 where the partial images and the whole image (candidate) are displayed simultaneously)**. Oura discloses that the two previews displayed simultaneously helps the operator in visualizing whether the synthesized results are joined correctly at **(Col 5 Lines 43-53)**. Niblack and Oura are from the same field of endeavor and are analogous art, therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to generate enlarged view of the partial images and the whole preview (candidate image) together as taught by Oura in the apparatus of Niblack for the above reasons.

Regarding Claim 2, Niblack and Oura disclose the apparatus according to claim 1. Niblack further discloses wherein when a plurality of candidate images are obtained on the basis of a search result, said search result display means displays reduced images of the plurality of candidate images in the form of a list

(Element 13, Fig 6 Col 8 Lines 29-42, fig 9 Col 10 Lines 17-25 and Col 18 Lines 24-28).

Regarding claim 5, Niblack and Oura disclose the apparatus according to claim 1, Oura further disclose wherein said search result display means superimpose a plurality of partial images **(Fig 5 the processed results are displayed at S14, Col 2 Lines 39-43, Col 7 lines 9-10 where the partial images and the whole image (candidate) are displayed simultaneously)** while keeping a relative positional relationship between the plurality of partial images **(pluralities of picture data (feature) of the objects within a predetermined range (close or nearby or similar or overlap one another) at Col 2 lines 28-39)**, if said search means searches the candidate image having the plurality of partial images which contain the feature.

Regarding claim 7, Niblack and Oura disclose the apparatus according to claim 1. Oura further discloses wherein sizes of a plurality of partial images from the plurality of images are unified **(Partial images of fig 12 are combined or unified to form a single image as seen in fig 13).**

Claim 18 is a corresponding method claim of Claim 1. See the explanation of Claim 1.

Claim 22 is a corresponding computer readable recording medium claim of Claim 1. See the explanation of Claim 1.

Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack in view of Oura and in further view of Karaki et al (US 5612715) hereafter Karaki as best understood by the examiner.

Regarding Claim 13, Niblack and Oura disclose the apparatus according to claim 1. Oura discloses the simultaneous display of the whole preview and the partial preview at **(Col 6 lines 57-62)**. Niblack and Oura are silent and however do not expressly disclose wherein the apparatus further comprises switching means for switching display of a plurality of candidate images in said search result display means, and said search result display means alternately displays the plurality of candidate images at the same position one by one on the basis of a switching instruction from said switching means.

Karaki discloses display switching means **(M25 Fig 3, Figs 14a-14c, Col 10 lines 34-36 where pluralities of images are switched between the screens)**. Karaki disclose that the switching display view improves the viewability of the user at **(Col 10 lines 13)** in a plurality of images being viewed. Niblack, Oura and Karaki are from the same field of endeavor and are analogous art, therefore it would be obvious for one of ordinary skill in the art at the time the

invention was made to have increase the viewability of the user in the apparatus of Niblack and Oura for the above reasons.

Regarding Claim 14, Niblack and Oura disclose the apparatus according to claim 1. Niblack and Oura both disclose the image being displayed, however are silent and do not expressly recite further disclose wherein said search result display means displays the candidate image in an area with a predetermined size. Karaki discloses the image size in **(Figs 14a-14c)**.

Regarding Claim 15, See **(Figs 14a-14c)** in Karaki where the partial images are circumscribed with a rectangle.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niblack in view of Oura and in further view of Brown et al. (US 6356908) hereafter Brown.

Regarding Claim 17, Niblack and Oura discloses the apparatus according to claim 1. Niblack also disclose region feature storage means stores, as a feature of the image, at least one of concept information expressing a concept obtained from the partial image in **(Fig 5)**. Niblack however do not disclose wherein the region feature storage means stores, as a feature of the image, at least one of concept information expressing the concept obtained from the partial image, text

information expressing the concept of the partial image and an image feature expressing a feature of the partial image.

Brown discloses wherein the region feature storage means stores, as a feature of the image, at least one of concept information expressing the concept obtained from the partial image, text information expressing the concept of the partial image and an image feature expressing a feature of the partial image.

(Fig 5,6 and Figs 9 and 10). Brown discloses presenting a set of thumbnail images of the linked pages in the database near the links to the linked pages at **(Col 2 Lines 18-20)**. Niblack, Oura and Brown are combinable because they are from the same field of endeavor and are analogous art. The suggestion/motivation would be that a textual name followed by a short textual description of the linked page does not provide sufficient information to enable one to make an intelligent decision as to open the link at **(Col 1 Lines 55-59)** disclosed by Brown. Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to combine the teachings of Brown in the Query system and method of Niblack and Oura to get the claimed invention.

Other cited prior art

The other relevant prior art to the subject matter not relied on are (US 6700612), (US 5857199), (US 20010013869), (US 20030190089) and (US 5761655).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAYESH A. PATEL whose telephone number is (571)270-1227. The examiner can normally be reached on M-F 7.00am to 4.30 pm (5-4-9). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on 571-272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/08/08
/Jayesh A Patel/
Examiner, Art Unit 2624

/Samir A. Ahmed/
Supervisory Patent Examiner, Art Unit 2624